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NO. 5865 P. 2/3

#8/Response
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C. Paris

Patent

Docket No: 56217USA9A.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael Albert Haase

Serial No.: 09/736,117

Filed: December 13, 2000

For: LASER POINTER WITH MULTIPLE COLOR BEAMS

Group Art Unit: 2875

Examiner: J. Ward

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Group 2800 at (703) 872-9318 on:

September 3, 2002

Date

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REPLY UNDER 37 C.F.R. § 1.111

Commissioner for Patents
Washington, DC 20231

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Dear Sir:

ISEP 3 - 2002

This Reply follows the Office Action dated May 1, 2002.

TECHNOLOGY CENTER 2800

Remarks

Claims 1-24 are pending.

The previous rejection of claims 1-24 under 35 U.S.C. § 103(a) over U.S. Pat. No. 6,238,119 (Lin) taken alone is apparently withdrawn.

§ 103 Rejections

Claims 1-15, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over U.S. Pat. No. 6,238,119 (Lin) in view of U. S. Pat. No. 6,169,948 (McGaffigan). Claims 16-21 and 24 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over U.S. Pat. No. 6,238,119 (Lin) in view of U. S. Pat. No. 6,169,948 (McGaffigan) and further in view of U.S. Pat. No. 5,879,962 (DePuydt). Applicants respectfully traverse.

Each of the present rejections relies on the combination of Lin and McGaffigan. However, the Examiner points to no suggestion or motivation in these references to combine them in the manner given, and, as discussed below, the teachings of these two references are

incompatible. It follows that no prima facie obviousness has been established. M.P.E.P 2143.01.

Lin discloses a writing instrument, a pen. The Lin pen includes two "light emitters" which may be LED's (Lin at col. 2, lines 30-31). The pen also includes a "transparent distal cover" (22), which includes curved refractive surfaces, light diffusing structures, or both. (Lin at col. 2, lines 42-50 and Figs. 1-7).

Lin does not teach or suggest the use of laser diodes. Lin does not teach or suggest the use of any laser elements. Furthermore, Lin does not teach or suggest the use of collimating optics appropriate to the use of laser elements. To the contrary, Lin discloses the use of a "transparent distal cover" which includes refractive surfaces, light diffusing structures, or both. This is incompatible with the use of laser elements.

McGaffigan teaches optical light pipes with a simulated laser appearance. McGaffigan is cited for the use of laser diodes of multiple colors. However, as noted above, the use of an actual laser is incompatible with the optics taught in Lin.

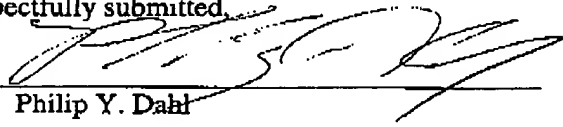
In summary, the rejection of claims 1-24 under 35 U.S.C. § 103(a) has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. Allowance of claims 1-24 at an early date is solicited.

Registration Number 36,115	Telephone Number 651-737-4029
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Respectfully submitted,

By


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